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# HOUSE BILL No. 1075

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19-10; IC 9-19-11-8.

**Synopsis:** Seat belts. Prohibits a passenger motor vehicle from being stopped, inspected, or detained solely to determine compliance with the law concerning seat belt use by front seat occupants who are at least 12 years of age. Provides that failure to comply with the laws concerning seat belt use may: (1) constitute fault under the law concerning compensatory damages and comparative fault; and (2) limit the liability of an insurer. Allows failure to comply with the laws concerning seat belt use to be admitted in civil actions to mitigate damages. Repeals: (1) conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with seat belt laws; and (2) a provision specifying that failure to comply with the law concerning passenger restraint systems for children does not constitute contributory negligence.

**Effective:** July 1, 2004.

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January 20, 2004, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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# HOUSE BILL No. 1075



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-19-10-3.1 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2004]: **Sec. 3.1. (a) Except as provided in subsection (b), a vehicle**  
4 **may not be stopped, inspected, or detained solely to determine**  
5 **compliance with this chapter.**

6 **(b) A vehicle may be stopped, inspected, or detained to**  
7 **determine compliance with section 2.5 of this chapter.**

8 SECTION 2. IC 9-19-10-7 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 7. (a) Failure to comply**  
10 **with section ~~†, 2 ‡, or ¶ 2.5~~ of this chapter ~~does not may~~ constitute**  
11 **fault under IC 34-51-2 and ~~does not may~~ limit the liability of an**  
12 **insurer.**

13 **(b) ~~Except as provided in Subject to~~ subsection (c), evidence of the**  
14 **failure to comply with section ~~†, 2 ‡, or ¶ 2.5~~ of this chapter may ~~not~~**  
15 **be admitted in a civil action to mitigate damages.**

16 **(c) Evidence of a failure to comply with this chapter may be**  
17 **admitted in a civil action as to mitigation of damages in a product**



1 liability action involving a motor vehicle restraint or supplemental  
2 restraint system. The defendant in such an action has the burden of  
3 proving noncompliance with this chapter and that compliance with this  
4 chapter would have reduced injuries, and the extent of the reduction.

5 SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE  
6 JULY 1, 2004]: IC 9-19-10-3; IC 9-19-11-8.

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